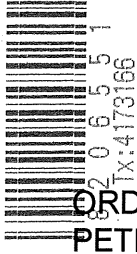


# PERMANENT RECORD



DULY ENTERED FOR TAXATION SUBJECT  
TO FINAL ACCEPTANCE FOR TRANSFER

RECORDER  
VANDERBURGH COUNTY  
Z TULEY  
2015R00030878  
12/23/2015 2:17 PM  
RECORDING FEES: 15.00  
PAGES: 3

DEC 23 2015

Brian Genth  
AUDITOR

71450

ORDINANCE NO. 9-2015-32 INTRODUCED BY: Al Lindsey  
PETITIONER: John F. Rogers II

**PUBLIC WORKS COMMITTEE**

**AN ORDINANCE TO VACATE the 12 Foot Alley lying between Lots 2 and 3 in Mid-Town Industrial Park, recorded in Plat Book J, page 164**

**WITHIN THE CITY OF EVANSVILLE, INDIANA.**

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to-wit:

Section I. That pursuant to MCE Section 12.05.450, a sworn petition, was presented to the Common Council of the City of Evansville, requesting that the platted rights-of-ways described in Section III, below, be vacated by the City of Evansville.

Section II. That after due and proper notice, a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration, has determined that the nature and extent of the public use and the public interests to be subserved are such as to warrant the vacation of that part of the platted RIGHT-OF-WAY described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached, which is made a part of this Ordinance:

Part of Mid-Town Industrial Park, recorded in Plat Book J, page 164 in the Office of the Recorder of Vanderburgh County, Indiana, and being described as follows:

Beginning at the southwest corner of an alley lying between Lots 2 and Lot 3, said point being the southeast corner of said Lot 2; thence along the west line of said alley, North 04 degrees 36 minutes 16 seconds East 136.61 feet to the south right-of-way line of State Road 62; thence along the south line thereof, North 73 degrees 07 minutes 58 seconds East 12.89 feet to a point on the east line of said alley; thence along the east line thereof, South 04 degrees 36 minutes 16 seconds West 140.59 feet to the southeast corner of said alley; thence along the south line thereof, North 88 degrees 55 minutes 33 seconds West 12.02 feet to the point of beginning, containing 0.04 acres (1,663 sq.ft.).

(See attached exhibit)

Section IV. That the vacation of said public way described in Section III. above will not be subject to any easements or reservations:

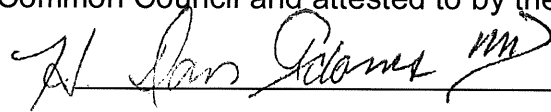
**FILED**

DEC 01 2015

*Anna Windner*  
CITY CLERK

Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described PUBLIC RIGHT-OF-WAY is no longer required for public use, and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate the PUBLIC RIGHT-OF-WAY described in Section III, above, subject to the terms and conditions as stated in this Ordinance.

PASSED by the Common Council of Evansville, Indiana, on this 14 day of Dec, 2015, and on said day signed by the President of said Common Council and attested to by the City Clerk.  
ATTEST:



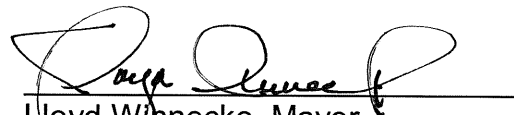
H. Dan Adams, President

  
Laura Brown Windhorst, City Clerk

Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 17 day of December, 2015.

  
Laura Brown Windhorst, City Clerk

Having examined the foregoing Ordinance, I do now as Mayor of said City of Evansville, Indiana, approve said Ordinance, and return; same to the City Clerk this 18<sup>th</sup> day of December, 2015 at 1:00 p.m.

  
Lloyd Winnecke, Mayor  
City of Evansville, Indiana

APPROVED AS TO FORM:  
Ted Ziemer-Corporate Counsel

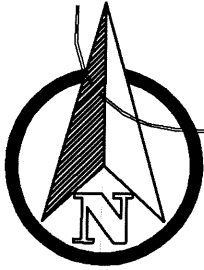
This instrument was prepared by Bret A. Sermersheim of Morley and Associates, Inc., 4800 Rosebud Lane, Newburgh, Indiana 47630

Petitioner's Mailing Address:  
John F. Rogers  
400 East Sycamore Street  
Evansville, IN 47713

"I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." Bret A. Sermersheim

INDOT Project NH-012-3(021)

# State Road 62 (Lloyd Expressway)



**SCALE 1" = 40'**

John Street  
(Frontage Road)

Limited Access R/W

82-06-30-029-111.007-029  
State of Indiana  
Doc. 2007R00030843

457+10 "PR-A"  
200.0'

458+00 "PR-A"  
170.0'

Limited Access R/W

N 73°07'58" E  
12.89'

Block 1  
Mid-Town Industrial Park

Vacate Area =  
1,663 Sq. Ft.  
0.04 Acres

Mid-Town Industrial Park  
Plat Book J, page 164

Lot 2  
82-06-30-029-111.009-029  
Rogers, John F. II  
Doc. 2013R00000692

Lot 3  
82-06-30-029-111.010-029  
Rogers, John F. II  
Doc. 2012R00000692

Fulton Avenue

P.O.B.  
SE. cor. Lot 2

N 4°36'16" E 136.61'

S 4°36'16" W 140.59'

N 88°55'33" W  
12.02'

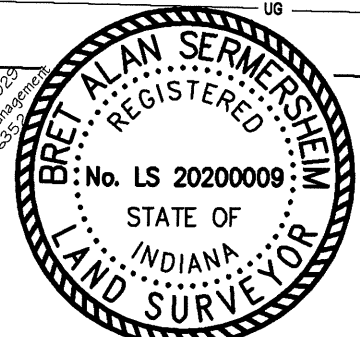
Vacate Ordinance G-91-26  
(D.Dr. 6, Cd 7851)

456+60 "PR-A"  
P/L

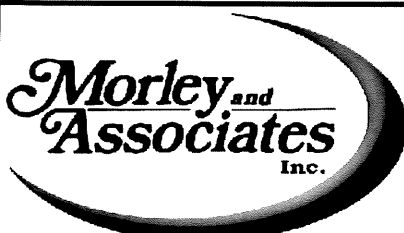
60' Public Utility Easement  
(per plat)

82-06-30-029-111.003-029  
American General Finance Management  
Doc. 2007R00022220

82-06-30-029-111.004-029  
American General Finance Management  
Doc. 2003R00046352



Bret Alan Sermersheim  
August 18, 2015



Engineering  
Surveying  
Architecture  
Construction Management  
  
4800 Rosebud Lane  
Newburgh, IN 47630  
(812) 464-9585  
www.morleyandassociates.com

Exhibit "B"

Alley Vacation  
Block 1

Mid-Town Industrial Park

Designed By: JEW	Job Number: 8668.4.002-A
Drawn By: BAS	Date: 8/18/2015
Filename: 8668 2015 Vacate.dwg	

**SWORN PETITION FOR VACATION** of following 12' Alley lying between Lots 2 and 3 in Mid-Town Industrial Park, recorded in Plat Book J, page 164.

John F. Rogers II (the Petitioner), files this Sworn Petition for the vacation of the existing 12' Alley described to the Common Council of the City of Evansville, Indiana, in accordance with the Municipal Code of Evansville, Subchapter 12.05.450 et. seq. (the code), as follows:

1. Name and address of Petitioner: John F. Rogers II  
400 East Sycamore Street  
Evansville, IN 47713

Principal place of business:  
Evansville, IN  
Phone: (812) 422-5656

2. Circumstances: Petitioner seeks the vacation of the above noted right of way because of proposed future development in the area of the alley to be vacated.

3. Legal Description of the right-of-way proposed to be vacated:

Part of Mid-Town Industrial Park, recorded in Plat Book J, page 164 in the Office of the Recorder of Vanderburgh County, Indiana, and being described as follows:  
Beginning at the southwest corner of an alley lying between Lots 2 and Lot 3, said point being the southeast corner of said Lot 2; thence along the west line of said alley, North 04 degrees 36 minutes 16 seconds East 136.61 feet to the south right-of-way line of State Road 62; thence along the south line thereof, North 73 degrees 07 minutes 58 seconds East 12.89 feet to a point on the east line of said alley; thence along the east line thereof, South 04 degrees 36 minutes 16 seconds West 140.59 feet to the southeast corner of said alley; thence along the south line thereof, North 88 degrees 55 minutes 33 seconds West 12.02 feet to the point of beginning, containing 0.04 acres (1,663 sq.ft.).

4. Names, addresses, and zip codes of all owners of land within 200 feet of the right-of-way to be vacated.

See attached Exhibit "A".

5. Location Map and Site Plan  
See attached Exhibit "B"

6. Copies of letters from Vectren, AT&T, Time Warner Cable, WOW Communications, Evansville Water and Sewer Utility, the Evansville City

Engineer, and the Evansville Fire Department are attached as Exhibits "C" through "I", inclusive.

That the above described right of way to be vacated, based upon the comments from the above operating utilities and entities, will not be subject to any restrictions.

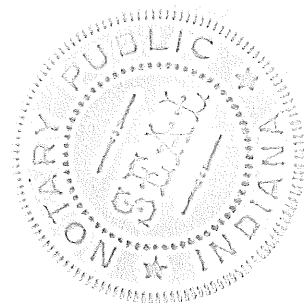
IN WITNESS THEREOF, the undersigned has caused this petition to be executed this

20<sup>th</sup> day of November, 2015.

  
John F. Rogers II

Printed: John F Rogers II

State of Indiana )  
County of Vanderburgh ) SS



Before me, the undersigned Notary Public in and for said county and state, personally appeared the above named John F. Rogers II, he being first duly sworn by me upon his oath, says that the facts alleged in the foregoing Affidavit are true.

Signed and sealed this 20<sup>th</sup> day of November, 2015

  
Notary Public

R L Berendson  
(printed name)

My commission expires:

12-11-2021

The county of my residence  
is Vanderburgh County,  
Indiana

Project 8668.4.002A

"Exhibit A"

November 16, 2015

82-06-30-029-111.010-029  
82-06-30-029-111.009-029  
Rogers, John F. II (Petitioner)  
400 East Sycamore Street  
Evansville, IN 47713

82-06-30-029-050.007-029;82-06-30-029-  
111.001-029;82-06-30-029-017.002-029;82-06-  
30-029-017.001-029;82-06-30-029-111.008-  
029;82-0630-029-111.007-029  
State of Indiana  
100 N Senate Ave  
Indianapolis. IN 46204-2219

S.T.A.R. Neighborhood Association  
William Goodsen  
1204 N. Second Ave.  
Evansville, IN 47712

82-06-30-029-111.004-029  
American General Finance Management  
Corp  
P.O.Box 59  
Evansville, IN 47701

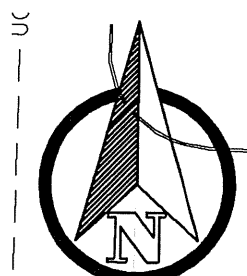
Westside Improvement Association  
Fred Padget  
2345 Skyline Dr.  
Evansville, IN 47712

82-05-25-029-044.002-029  
Evansville Materials  
PO Box 249  
Tell City, IN 47586-0249

82-06-30-029-112.002-029; 82-06-30-029-  
112.007-029; 82-06-30-029-111.003-  
029;82-06-30-029-015.004-029  
American General Finance Management  
Corporation  
601 NW Second St.-Evansville, IN 47708

Downtown Neighborhood Association  
Alissa Fricke  
318 Main St.  
Evansville, IN 47708

82-06-30-029-050.010-029  
82-06-30-029-050.009-029  
Evansville Vanderburgh Levee Authority  
District  
1300 Waterworks Rd.  
Evansville. IN 47713



SCALE 1" = 40'

INDOT Project NH-012-3(021)

State Road 62 (Lloyd Expressway)

John Street  
(Frontage Road)

Limited Access R/W

82-06-30-029-111.007-029  
State of Indiana  
Doc. 2007R00030843

457+10 "PR-A"  
200.0'

458+00 "PR-A"  
170.0'

Limited Access R/W

N 73°07'58" E  
12.89'

Block 1  
Mid-Town Industrial Park

Vacate Area =  
1,663 Sq. Ft.  
0.04 Acres

Mid-Town Industrial Park  
Plat Book J, page 164

Lot 2  
82-06-30-029-111.009-029  
Rogers, John F. II  
Doc. 2013R00000692

Lot 3  
82-06-30-029-111.010-029  
Rogers, John F. II  
Doc. 2012R00000692

P.O.B.  
SE. cor. Lot 2

N 4°36'16" E 136.61'

S 4°36'16" W 140.59'

N 88°55'33" W  
12.02'

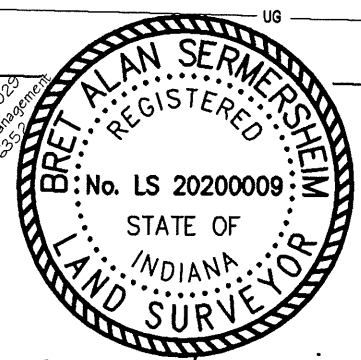
Vacate Ordinance G-91-26  
(D.Dr. 6, Cd 7851)

456+60 "PR-A"  
P/L

60' Public Utility Easement  
(per plat)

82-06-30-029-111.003-029  
American General Finance Management  
Doc. 2007R00022220

82-06-30-029-111.004-029  
American General Finance Management  
Doc. 2003R00046355



Bret Alan Sermersheim  
August 18, 2015



Engineering  
Surveying  
Architecture  
Construction Management  
  
4800 Rosebud Lane  
Newburgh, IN 47630  
(812) 464-9585  
www.morleyandassociates.com

Exhibit "B"

Alley Vacation  
Block 1  
Mid-Town Industrial Park

Designed By: JEW	Job Number: 8668.4.002-A
Drawn By: BAS	Date: 8/18/2015
Filename: 8668 2015 Vacate.dwg	



VECTREN

Energy Delivery

P.O. Box 209

Evansville, Indiana 47702-0209

November 18, 2015

Bret Sermersheim  
Morley and Associates Inc.  
4800 Rosebud Lane  
Newburgh, IN 47630

Re: Vacation of 12' alley between Lots 2 & 3 in Block 1 of Mid-Town Industrial Park  
As shown in attached Exhibit "B"

Petitioner: John F. Rogers

Dear Mr. Sermersheim:

Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana investigated the area proposed for vacation.

Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana has no facilities located within the above described location according to the attached information you provided on November 16, 2015. This company, therefore, has no objection to its vacation.

The consent granted by Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana.

Please forward to me a copy of the recorded ordinance upon passing so that I may update our records. Thank you for your cooperation.

Sincerely,

Becky Merkley, SR/WA  
Land Agent  
Land Services  
Vectren Energy Delivery of Indiana  
812 491 4544

RECEIVED

NOV 20 2015

*Morley and Associates, Inc*

EXHIBIT "C"





AT&T Indiana  
134 NW Sixth Street  
Evansville, IN 47708

T: 812-464-6055  
F: 812-464-6120  
www.att.com

8/19/15

Bret Sermersheim  
Morely and Associates, Inc.  
4800 Rosebud Lane  
Newburgh, IN 47630

Re: John F. Rogers  
12' Alley between Lots 2 and 3 in Block I of Mid-Town Industrial Park, lying  
north of Ohio Street between Fulton Avenue and Goodsell Street.  
M&A project # 8668.4.002-A

Dear Mr. Sermersheim,

This letter is in response to your request to have a 12' Alley between Lots 2 and 3 in Block I of Mid-Town Industrial Park, lying north of Ohio Street between Fulton Avenue and Goodsell Street vacated. In your 8/19/15 email, you included a sketch depicting the portion of the right-of-way you would like to have vacated.

I have reviewed our records for the area indicated, and found that AT&T does not have facilities located within this alleyway. As such, AT&T has no objections to the vacation alley right-of-way.

Please let me know if you have any questions or concerns regarding your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Folz".

Andrew J. Folz  
AT&T Indiana  
Engineer

EXHIBIT "D"



October 29, 2015

Bret Sermersheim  
Morley and Associates, Inc.  
4800 Rosebud Lane  
Newburgh, IN 47630

SUBJECT: NH-012-3(021)

We have reviewed your request for the above referenced Public Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment of north of Ohio St between Fulton Ave and Goodsell St in Evansville, IN.

If applicable, please contact the Indiana Excavation Safety System (Kentucky811) at 811 or 1-800-752-6007 to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to [west-engineering-relo@twcable.com](mailto:west-engineering-relo@twcable.com). Please share this information with whoever needs these services.

Sincerely,

If you have any questions about the maps provided please contact Lisa Law at the information provided below.

Lisa Law  
Data Operations Manager  
Time Warner Cable  
750 Canyon Dr  
Coppell, TX 75019  
[West-engineering-relo@twcable.com](mailto:West-engineering-relo@twcable.com)

EXHIBIT "E"



It's that kind of experience.

October 29, 2015

Bret Sermersheim, PS  
Morley and Associates, Inc.  
4800 Rosebud Lane  
Newburgh, IN. 47630

Re: Request to vacate public way

Mr. Sermersheim,

I have recently taken over the position that Rick Bowen held previously. Moving forward, I will be the contact for WOW's construction engineering needs.

The SIGECOM/WOW Outside Plant Engineering department reviewed the request for the vacation of the alley between lots 2 and 3 in block 1 of Mid-Town Industrial Park, lying north of Ohio Street between Fulton Ave. and Godsell St. The findings of this review determined that SIGECOM/WOW does not have aerial or underground cabling facilities within the right-of-way in the alley between lots 2 and 3 in block 1 of Mid-Town Industrial Park, lying north of Ohio Street between Fulton Ave. and Godsell St. Evansville, Indiana. As we discussed, WOW does have aerial facilities at the very south end of the alley that will not affect this project.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for in the alley between lots 2 and 3 in block 1 of Mid-Town Industrial Park, lying north of Ohio Street between Fulton Ave. and Godsell St. Evansville, Indiana.

This letter granted by Wide Open West for said vacation is valid for one hundred eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

Tom Cheski  
Construction Engineer  
WOW! Internet-Cable-Phone  
Office – 812-437-0395  
Mobile – 812-470-4572  
Email – [thomas.cheski@wowinc.com](mailto:thomas.cheski@wowinc.com)

EXHIBIT "F"



LLOYD WINNECKE  
MAYOR

## EVANSVILLE WATER & SEWER UTILITY

ALLEN R. MOUNTS  
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708  
P O Box 19, Evansville, Indiana 47740-0001  
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

October 27, 2015

Mr. Bret Sermersheim, P.S.  
Morley and Associates, Inc.  
4800 Rosebud Lane  
Newburgh, IN 47630

Re.: Alley Vacation  
Between Lots 2 and 3 in Block 1 of Mid-Town Industrial Park

Mr. Sermersheim,

This letter is in response to your inquiry concerning the vacation request identified above. The Evansville Water and Sewer Utility has the following requirements:

A sanitary sewer currently exists in the alley but the sewer only serves the adjacent lots. Vacation is acceptable if the sewer will no longer be of use to the development. If the sewer is necessary for the purposes of redevelopment, the Utility requires a 12-foot easement to be placed centered over the existing sanitary sewer.

If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in blue ink that reads "Michael D. Labitzke".

Michael D. Labitzke, PE  
Deputy Director of Utilities - Engineering

EXHIBIT "G"



**City Engineer's Office**  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE  
MAYOR

BRENT A. SCHMITT, P.E.  
CITY ENGINEER

November 4, 2015

Bret A. Sermersheim, PS  
**Morley and Associates, Inc**  
4800 Rosebud Lane  
Newburgh, IN 47630

Re: Alley vacation between Lots 2 and 3 in Block 1 of Mid-Town Industrial Park

Dear Bret,

In regards to the above referenced proposed vacation, and the letter you provided from Michael D. Labitzke, dated October 27, 2015, be advised that our office has no objection to the vacation of the public right-of-way identified in your attached Exhibit "B".

In addition to Mike's letter and Exhibit "B", I have attached my previous letter to you, dated August 25, 2015, as well as your Alley Vacation Description for reference.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

City Engineer's Office

A handwritten signature in black ink, appearing to read "Chris Weil", is written over a large, loopy oval shape.

By: Chris Weil, P.E.  
Assistant City Engineer

Attachments

Cc: File

EXHIBIT "H"





LLOYD WINNECKE  
MAYOR

MIKE CONNELLY  
FIRE CHIEF

550 S.E. Eighth St. Evansville, IN 47713-1786  
(812) 435-6235 FAX: (812) 435-6248 TDD/Hearing Impaired: (812) 436-4925

---

**RE: John F. Rogers**  
**12' Alley between Lots 2 and 3 in Block 1 of Mid-Town Industrial Park, lying north of Ohio**  
**Street between Fulton Avenue and Goodsell Street.**  
**M&A project # 8668.4.002-A**

Bret,  
The Prevention Division of the Evansville Fire Department has reviewed this matter and would allow the  
aforementioned alley to be vacated to suit Mr. Rogers intent of redevelopment.

Sincerely,  
Mike Doran, 1A84  
Deputy Fire Marshal, Evansville Fire Dept.  
550 S.E. 8<sup>th</sup> St.  
Evansville, IN 47713  
812 436-4455  
Cell 812 459-1950  
[mdoran@evansvillefiredepartment.com](mailto:mdoran@evansvillefiredepartment.com)

EXHIBIT "I"

